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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3966 OF 2007

M/s. Airking Enterprises
through
Shri Mansur Ali B. Abedanwalla ... Petitioner

V/s

Shri Shaukat Ali Miyan ... Respondent

Mrs. Shubhangi A. Vaidya i/by Mr. Arun V. Vaidya for the petitioner.

Mr. Ashok D. Shetty and Mr. F.R. Mishra for the respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 30TH JULY, 2007.

P.C.:

1. The petition challenges the award in Reference (IDA) No. 625 of 2003. By this award, the Labour Court has directed the petitioner to pay full back wages to the respondent workman w.e.f. 1.7.2002 till the date of the order. The Labour Court has also directed payment of legal dues and continuity of service w.e.f. 1.7.2002. The Labour Court has considered all the submissions and contentions raised on behalf of the petitioner that the respondent was not its workman and that the establishment was closed. The Labour Court has held

that the workman was able to prove that there was an employee-employer relationship between him and the petitioner. The Labour Court found that, although the closure of the firm was not in accordance with law, it was desirable that the relief should be moulded in a manner that the award could be implemented. In that view of the matter, the Labour Court, after considering the evidence on record and also the age of the respondent workman, has held that it was not necessary to grant reinstatement.

2. Thus, the Labour Court has considered all aspects of the matter and directed the petitioner to pay back wages and the legal dues. No interference is called for by this Court in its writ jurisdiction.

3. Petition rejected.

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